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EXAMINER

REVAK, CHRISTOPHER A

ART UNIT PAPER NUMBER

2131

DATE MAILED: 10/01/2004

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/260,448  
Filing Date: March 02, 1999  
Appellant(s): MCCURLEY ET AL.

George H. Gates  
Reg. No.: 33,500  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed June 1, 2004.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

No amendment after final has been filed.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) Grouping of Claims**

Appellant's brief includes a statement that claims 1-117 do stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

6,094,485	Weinstein	7-2000
6,286,045	Griffiths et al	9-2001
5,826,014	Coley et al	10-1998
6,292,827	Raz	9-2001

Freier et al, "The SSL Protocol, Version 3.0", (Nov. 18, 1996), pp. 1-58

Fryer et al, "Microsoft Press Computer Dictionary", 3rd Edition, (1997), pp. 320, 482.

The examiner notes that Fryer et al was cited to show the use of UDP (User Datagram Protocol) and also for evidence of the definition of multiplexing and how it is used. The examiner cited pp. 320 of Fryer et al to show that the examiner's interpretation is consistent with that which is known in the prior art. The appellant has only mentioned pp. 482 that shows the use of UDP in their brief and has not commented on pp. 320 of Fryer et al that recites of multiplexing.

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"Netscape Handbook, Application Features" 1996,

[cgi.netscape.com/eng/mozilla/GOld/handbook/docs/appans.html](http://cgi.netscape.com/eng/mozilla/GOld/handbook/docs/appans.html), pg 1-22

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1,5-11,14,16,17,21,22,40-50,53,55,56,60,61,79,83-89,92,94,95, and 100 are rejected under 35 U.S.C. 103(a) in view of Freier et al in view of Weinstein. This rejection is set forth in a prior Office Action, mailed on December 31, 2003.

Claims 2,28-39,41,67-78,80, and 106-117 are rejected under 35 U.S.C. 103(a) in view of Freier et al in view of Weinstein in further view of Fryer et al. This rejection is set forth in a prior Office Action, mailed on December 31, 2003.

Claims 12,51, and 90 are rejected under 35 U.S.C. 103(a) in view of Freier et al in view of Weinstein in further view of Griffiths et al. This rejection is set forth in a prior Office Action, mailed on December 31, 2003.

Claims 13,52, and 91 are rejected under 35 U.S.C. 103(a) in view of Freier et al in view of Netscape Handbook. This rejection is set forth in a prior Office Action, mailed on December 31, 2003.

Claims 15,18-20,23-25,54,57-59,62-64,93,96-98, and 101-103 are rejected under 35 U.S.C. 103(a) Freier et al in view of Weinstein in further view of Coley et al. This rejection is set forth in a prior Office Action, mailed on December 31, 2003.

Claims 26,65, and 104 are rejected under 35 U.S.C. 103(a) in view of Freier et al in view of Weinstein in further view of Raz. This rejection is set forth in a prior Office Action, mailed on December 31, 2003.

Claims 27,66, and 105 are rejected under 35 U.S.C. 103(a) in view of Freier et al in view of Weinstein in further view of Raz, in further view of Coley et al. This rejection is set forth in a prior Office Action, mailed on December 31, 2003.

**(11) Response to Argument**

Appellant's arguments:

The appellant has argued on page 12 of the brief that the combination of references does not teach or suggest (a) opening a single Transmission Control Protocol (TCP) connection are a user-level between at least two endpoints in the network, (b) establishing a secure connection using Secure Socket Layer (SSL) over the opened Transmission Control Protocol (TCP) connection, (c) mutually authenticating each of the endpoints of the secure connection, and (d) multiplexing other connections through the secure connection once both of the endpoints have been authenticated, wherein either endpoint of the secure connection can receive connection requests for the multiplexed other connections.

Furthermore, the appellant argues that the combination of references does not teach or suggest that either of the endpoints of the secure connection can receive connection requests, in the context of a single Transmission Control Protocol (TCP) connection as a user-level between the endpoints, where a secure connection using Secure Socket Layer (SSL) has been established over where other connections are multiplexing through the secure connection once both of the endpoints have been authenticated.

The examiner respectfully disagrees for the following reasons:

As per the appellant's "opening a single Transmission Control Protocol (TCP) connection at a user level between two endpoints" and "establishing a secure connection using Secure Socket Layer (SSL) over the opened Transmission Control Protocol (TCP) connection," the examiner directs the appellant to Freier et al whereby it is disclosed that "at a lowest level, layered on top of some reliable transport protocol (e.g., TCP), is the SSL protocol" as is recited on page 3, section 1 entitled Introduction. Freier et al further recites that "The SSL protocol is designed to establish a secure connection between the client and a server communicating over an insecure channel as is recited on page 54, section F entitled Security Analysis. Freier's use of "a secure connection" is interpreted as a single connection since it is recited in singular form. Since Freier discloses that SSL is used on top of TCP, the TCP connection is already opened and is being used as is taught Freier et al. Weinstein provides further support for use of "opening a TCP connection" and "opened TCP connection" by disclosing that



"SSL is layered on top of some reliable transport protocol (TCP)" and when a user desires to establish a connection to the server, the client first initiates a connection to the server, please refer to column 3, lines 6-8 and column 4, lines 52-53 of Weinstein. Similar to Freier, Weinstein again shows that the TCP connection is initially opened and stays open for the SSL session. The user, or user level, uses the client computer to initiate, establish, and open this TCP connection. In summary, the SSL connection is used on the TCP connection that uses its protocol to first establish the connection between the client and server, at the user's request, then goes through the SSL protocol to establish the SSL connection. The SSL connection is argued below.

The appellant has argued that the prior art of record does not teach "mutually authenticating each of the endpoints of the secure connection." The examiner disagrees for it is disclosed by Freier et al that SSL authenticates a server with a client and client with a server, see page 3, section 1 entitled Introduction and page 54, section F.1.1, entitled Authentication and Key Exchange. Since they are both authenticated to each other, the authentication process is mutual since they need to authenticate each other in order to establish a common key used for encrypting the SSL connection. The examiner additionally notes that this limitation of "mutually authenticating" is not claimed in independent claims 1 and 40, it is only recited in independent claim 79. The language of "each of the devices authenticates the other device" is broader than "mutually authenticating," wherein Freier et al recites of both instances in the disclosure to meet the appellant's claim language.

The appellant argues that "multiplexing other connections through the secure connection once both of the endpoints have been authenticated, wherein either endpoint of the secure connection can receive connection requests for the multiplexed other connections" has not been disclosed by the prior art combination. The examiner respectfully disagrees, it is disclosed by Freier et al of "an SSL session may include multiple secure connections, in addition, parties may have multiple simultaneous sessions" as is recited on pages 9-10, section 5.1 entitled Session and Connection States. The examiner relied upon Fryer et al to show that "multiplexing is defined as a technique used in communications and input/output operations for transmitting a number of separate signals simultaneously over a single channel or line" as is recited on page 320. The examiner has already argued and established evidence of a single connection as is argued above in light of the teachings of both Freier et al and Weinstein. Since Freier et al recites of multiple secure sessions and multiple simultaneous sessions, the examiner contends that multiplexing is used in the teachings of Freier et al based upon the evidence disclosed in Fryer et al. The argument of "either endpoint of the secure connection can receive connection requests" is relied upon by the teachings of Weinstein. Weinstein discloses when a user desires to establish a connection to the server, the client first initiates a connection to the server, please refer to column 3, lines 6-8 and column 4, lines 52-53. It is further taught that either the client or server, equivalent to endpoints, are able to receive data or connection requests, please refer to column 2, lines 23-34 and column 8, lines 38-44 & 53-61. This

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passages show that Weinstein is capable of either endpoint being able to receive connection requests.

In summary, the examiner has found the teachings of Freier et al and Weinstein belong to the same endeavor and field of scope as that of the appellant's. The examiner has found no distinction between the prior art of record as compared to the appellant's claim language. For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

CR

  
September 27, 2004

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